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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,620	02/01/2001	Tomoshi Hirayama	202491US6	3053

22850 7590 02/16/2006

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/774,620

Applicant(s)

HIRAYAMA, TOMOSHI

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 195-202 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 195-202 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 195-202 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 195-201 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,490,627 to Kalra et al. in view of U.S. Patent Number 6,658,568 to Ginter et al..

4. As to claim 195, Kalra teaches a data-provisioning system comprising: a first data-transmitting section for transmitting a continuous stream of content data that consists of multimedia content groups, each composed of program data and auxiliary data items (col. 4, lines 14-32); an edit control section for performing an operation on the attributes of each program data and auxiliary data items and the profile data of a user apparatus, thereby automatically assembling new data (col. 4, lines 14-32); and a second data-transmitting section for selecting the auxiliary data items to be inserted into the program data in accordance with the new data assembled by the edit control section, thereby to transmit a continuous stream of content data that consists of multimedia content groups, each composed of the program data and

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the auxiliary data items (col. 4, lines 14-32); however Kalra does not explicitly teach auxiliary data items including an effective reproduction date.

Ginter teaches a system for distributing content wherein auxiliary data items include an effective reproduction date (col. 120, lines 47-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kalra regarding a server for distributing content with the teaching of Ginter regarding with rights protection because an effective reproduction date allows a distributor to protect its copyrights (col. 120, lines 47-67).

5. As to claim 196, Kalra teaches the system of claim 195 further comprising a data server apparatus for changing the order of the items of the content data which has been assembled by the edit control section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items, and for outputting the items of content data in the order changed, thereby to transmit the content data (col. 4, lines 47-59).

6. As to claim 197, Kalra teaches the system according to claim 195, further comprising a data server apparatus for skipping a certain auxiliary data items contained in the content data which has been assembled by the edit control section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items, thereby to transmit the content data (col. 5, lines 3-23).

7. As to claim 198, Kalra teaches the system according to claim 195, further comprising a data server apparatus for transmitting additional auxiliary data items, together with the content data which has been assembled by the edit control section and which consists of multimedia

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content groups, each consisting of the program data and the auxiliary data items (col. 5, lines 3-23).

8. As to claim 199, Kalra teaches the system according to claim 198, wherein the data server apparatus acquires the additional auxiliary data items from an external system, by the use of the edit control section (col. 4, lines 47-59).

9. As to claim 200, Kalra teaches the system according to claim 198, wherein the data server apparatus incorporates means for generating the additional auxiliary data items (col. 4, lines 47-59).

10. As to claim 201, Kalra teaches The system according to claim 195, further comprising a data terminal apparatus for changing the order of the items of the content data which has been assembled by the edit control section and which includes multimedia content groups, each including the program data and the auxiliary data items, and for transmitting the items of content data in the order changed (col. 4, lines 47-59).

11. Claims 195-201 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,490,627 to Kalra et al. in view of U.S. Patent Number 6,658,568 to Ginter et al. in further view of U.S. Patent Number 6,898,706 Venkatesan et al..

12. As to claim 202, the Kalra-Ginter combination teaches the data-providing system of claim 195, however the Kalra-Ginter combination does not explicitly teach the auxiliary data items including, at least, a validity term and conditions relative to the assignment of rights for editing attributes of each auxiliary data item.

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Venkatesan teaches auxiliary data items including, at least, a validity term and conditions relative to the assignment of rights for editing attributes of each auxiliary data item (col. 28, lines 10-59).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kalra-Ginter combination regarding a data-providing system with the teachings of Venkatesan regarding validity terms and conditions because validity terms and conditions preserve control over media (Venkatesan, col. 2, line 43-col. 3, line 3).

### ***Response to Arguments***

13. Applicant's arguments filed 12/22/2005 have been fully considered but they are not persuasive. The Examiner acknowledges that the invention defined by the specification is different from the prior art of record, however the claim language does not specifically point out these differences. Terms such as "edit control section" and "auxiliary data items" do describe the invention to some extent but they are also broad enough to describe Kalra. For example, Kalra shows many adaptive streams that are considered "auxiliary data items" and describes how the streams are edited together to be sent to the multimedia devices.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

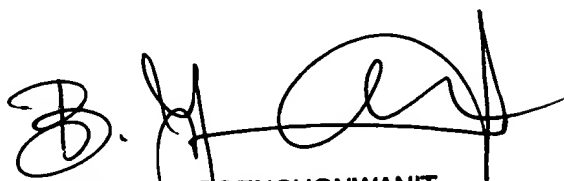
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DOB

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER